

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 4
Mtg. Date January 20, 2015
Dept. City Manager's Office

Item Title: Planning Commission Analysis

Staff Contact: Graham Mitchell, City Manager

Recommendation:

Receive report and provide direction.

Item Summary:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. On November 4, 2014, staff presented an initial analysis to the City Council. The City Council requested that staff provide additional information regarding several specific questions.

The staff report (**Attachment A**) provides information regarding four specific questions asked by the City Council as well as other information requested. As a reference, staff provided a copy of the November 4, 2014 staff report (**Attachment B**).

Fiscal Impact:

None.

Environmental Review:

<input checked="" type="checkbox"/> Not subject to review	<input type="checkbox"/> Negative Declaration
<input type="checkbox"/> Categorical Exemption, Section []	<input type="checkbox"/> Mitigated Negative Declaration

Public Information:

<input checked="" type="checkbox"/> None	<input type="checkbox"/> Newsletter article	<input type="checkbox"/> Notice to property owners within 300 ft.
<input type="checkbox"/> Notice published in local newspaper	<input type="checkbox"/> Neighborhood meeting	

Attachments:

- A. Staff Report
- B. November 4, 2014 Staff Report – “Planning Commission”

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 4

Mtg. Date January 20, 2015

Item Title: **Planning Commission Analysis**

Staff Contact: **Graham Mitchell, City Manager**

Discussion:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. On November 4, 2014, staff presented an initial analysis to the City Council. In the staff report (**Attachment B**), information was provided regarding: 1) Planning Commission Responsibilities, 2) Planning Commission Activity, 3) Streamlining the Approval Process, 4) Planning Commission Costs, 5) Benefits and Drawbacks, and 6) Design Review Boards.

During the November 4th meeting, the City Council provided feedback and asked for additional information, requesting that staff specifically address the following questions:

- If the planning commission were to be dissolved, what are alternative means to ensure community input is heard and expanded on development projects?
- Besides a planning commission, are there other ways to for the City to proactively engage its citizens regarding development projects and other community issues?
- If the planning commission were to be dissolved, what is the timeframe for that to be implemented?
- If the planning commission were to be dissolved, what would the impact be to City Council agendas?

The following sections provide information regarding the four questions asked by the City Council as well as other information requested.

Alternative Means to Solicit Community Input on Projects

One of the primary purposes of a planning commission is to review development projects and to provide a forum for community comment regarding the project. The scope of the planning commission's purview is defined by the City's Municipal Code. The planning commission is not granted authority to act outside of their prescribed scope.

If the City Council were to dissolve the planning commission, the City Council would hear projects previously heard by the planning commission. It is important to note that of the 13 Conditional Use Permits or Planned Development Permits considered by the planning commission in the past two years, only two have also been considered by the City Council—meaning only two projects required more than one public hearing prior to approval.

To ensure an even greater outreach and community engagement than exists now, staff has identified two possible strategies (NOTE: staff has identified potential unintended consequences for each, which are identified on page 5 of this report):

1) *Expand the Noticing Area* – currently, the City provides public notices to property owners within a 300 foot radius of a project (this is the minimum distance prescribed by State law). The City Council could consider expanding that radius to 500 or 700 feet. Staff used two recently approved projects to understand the impact that an expanded noticing area would have

Attachment A

(noticing maps will be provided to the City Council separately). For the recently approved CityMark project, 37 property owners were notified within 300 feet of the project. If the noticing radius was expanded to 500 feet, 101 owners would have been notified. If expanded to 700 feet, 147 owners would have been notified. The cost comparison for three noticing requirements is \$31 for 37 notices, \$84 for 101 notices, and \$122 for 147 notices (the applicant pays for the cost to mail notices as well as newspaper noticing).

Staff also considered a development project surrounded by single family neighborhoods. The Vista Serrano project (9 lot subdivision located at 7128 San Miguel Avenue) required a noticing of 75 property owners. If the noticing radius was expanded to 500 feet, 145 owners would have been notified. If the noticing radius was expanded to 700 feet, 214 owners would have been notified. The cost comparison for three noticing requirements is \$62 for 75 notices, \$120 for 145 notices, and \$177 for 214 notices.

2) Required Neighborhood Outreach Meeting – for larger projects, the City Council could require that a project applicant conduct a meeting with neighbors within a designated radius of the project prior to a hearing. This meeting, facilitated by City staff, would allow the developer to introduce the project and to solicit feedback.

Proactively Engaging Citizens

One of the topics of discussion during the November 4th City Council meeting was meaningful ways to engage with Lemon Grove residents. The three focus groups conducted in the past three years have changed the way in which the City solicits feedback from its residents on defined topics. Staff believes that there are opportunities to expand this concept for other types of projects. It is important to recognize that focus groups require staff resources to manage. However, these groups have the opportunity to be an extension of staff to a certain degree.

Staff has developed a list of several potential smaller focus groups that could be considered (several of these tasks are currently assigned to the planning commission):

- Local skaters and artists to provide feedback on the expansion of the skate spot,
- Group to help develop and manage an organized downtown volunteer crew,
- Planning group to help staff review a larger-scale development project,
- Group to review the implementation of the City's General Plan,
- Group to consider updating special treatment areas and consider development goals in those areas.

These smaller focus groups have the potential to provide leadership opportunities for residents wanting to become involved in their community. Staff would caution that more than two groups at a time may be overwhelming for staff to manage given current staffing levels.

Implementation Plan

During the November 4th City Council meeting, staff was asked to provide the length of time it would take to dissolve the planning commission. In reality, the City Council could adopt a simple ordinance that states when the term “planning commission” is used in the Municipal Code, it is referring to the “planning body which is defined as the city council.” Once adopted, the City Attorney and staff would prepare a comprehensive Municipal Code amendment to reflect the change. Staff projects that the entire amendment process would require approximate 6 to 9 months—this change to the Municipal Code would also provide an opportunity to clean up other sections related to the planning process. Alternatively, the City Council could formally dissolve the planning commission in approximately 6 to 9 months once all of the clean up language is prepared.

Attachment A

Impact to City Council Agendas

During the November 4th City Council meeting, staff was asked for its opinion on the impact to the City Council's agenda. In the past four years (48 months), the planning commission met 22 times and considered 31 projects or permits. Of those, 12 projects were also considered by the City Council. The table below shows the frequency of meetings and permits/projects considered by year:

Year	# of Meetings	Permits/Projects Heard by Commission	Permits/Projects Requiring Council Approval
2011	7	11	0
2012	7	10	5
2013	3	4	3
2014	5	6	4
TOTAL	22	31	12

Over the past four years, having a planning commission eliminated 19 agenda items from the City Council agenda. Using data from this four year period, if the planning commission were dissolved, the City Council could expect to consider an additional project every two to three months. Planning commission meetings rarely exceeded 90 minutes.

Other Questions

During the November 4th meeting, staff was asked to address the issue of applicant appeals, unintended consequences, and data regarding project streamlining.

Appeals – in the past four years, no applicants or neighboring property owners have appealed a planning commission decision to the City Council. Because the City Council, per the Municipal Code, has the final decision authority on land use issues, an applicant with a denied project can either redesign the project to satisfy the City Council or file a lawsuit against the City. Applicants or neighboring property owners currently have this course of action available if a decision reached by the City Council is not satisfactory to them.

Unintended Consequences – staff identified several potential consequences from several of the suggestions identified in this staff report. First, staff is concerned about the conflict that may arise out of the creation of “pre-development neighborhood review groups” or “neighborhood outreach meetings.” Many times neighbors of a project (especially a subdivision project) prefer the land remain undeveloped. Although property owners have the right to develop land according to the requirements of the Municipal Code, pre-development neighborhood groups may feel entitled to provide project review, above and beyond project input. Hence, the creation of this group may foster an adversarial environment for development.

Staff is also concerned about the impacts that additional noticing requirements may have on “mom and pop” businesses. For a larger development, this expanded requirement may not pose a burden. However, for a small business owner, the additional cost may be difficult to bear.

Project Streamlining – as identified in the November 4th staff report, staff estimates that the time saved to process a project is approximately 30 days, assuming the project requires approval by both the planning commission and the City Council. In addition to time, there is also a cost savings experienced by the applicant by having to only attend one meeting. For example, the

Attachment A

recent CityMark project required two employees and an architect to attend two different meetings. There are costs associated with attending these meetings.

For many developers, the concern about cost is not as critical as the unpredictability of a planning commission. There are times that planning commissioners do not understand intent behind City Council policy/goals or are not as sensitive to deviations that may be supported by the City Council—in part, because they are not tasked to be policy makers. Developers would prefer to meet with the body that has the final approval authority in order to ensure more predictability in the approval process. |

Conclusion:

|Staff recommends that the City Council receive the report and provide direction to staff. |

Attachment B

November 4, 2014 City Council Staff Report